

Application No.: 10/810738

Case No.: 59343US003

**REMARKS**

Claims 1-4, 6-8, 10-11, and 13-33 are pending. Claims 14 and 16-31 have been withdrawn from consideration. In response to the Office Action, claims 1, 6, and 15 are currently amended. Claim 5 was incorporated into claim 1 and cancelled. Claim 6 was amended to correct dependency from now cancelled claim 5. Claims 5, 9, and 12 are currently cancelled. Reconsideration of the application is requested.

**Interview**

Applicants thank Examiner Venci for the courtesies extended to the undersigned representative during a telephonic interview on June 25, 2008. Present at the interview was David Venci, representative for the USPTO, and Julie Lapos-Kuchar, representative for Applicants. Prior to the interview, Applicants presented amended claim 1 (as presented on pages 2-3 herein) to Examiner Venci. During the interview, Examiner Venci indicated that the proposed amended claim 1 should overcome the rejections disclosed in the April 2, 2008 Office Action. The essence of the rest of the discussion is represented in the following remarks.

**§ 112 Rejections**

Claims 5, 24, 27 and 30 are rejected under 35 USC § 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Office Action states that the "Examiner is unable to locate support for the amendment 'x is at least [1]2' in the specification as originally filed. Applicants' direction to p. 15, line 7 of the specification does not appear to support this amendment" and required the new matter to be cancelled. *See page 3.* While not necessarily agreeing with the position stated in the Office Action, claims 24, 27, and 30 have been amended to recite "x is at least 1" and claim 5 has been cancelled, thereby rendering the rejection moot. Accordingly, Applicants submit that the rejection of claims 5, 24, 27, and 30 under 35 USC §112, first paragraph, has been overcome, and that the rejection should be withdrawn.

Claims 1-8, 10-11, 13, and 32 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Office Action states that the phrase “the hydrophobic portion of the solid phase material” in claim 1 lacks antecedent basis. While not necessarily agreeing with the position stated in the Office Action, claim 1 has been amended to recite “the hydrophobic portion of the solid phase material surface”. This claim amendment provides antecedent basis for “the hydrophobic portion of the solid phase material”, thereby rendering the rejection moot. Accordingly, Applicants submit that the rejection of claims 1-8, 10-11, 13, and 32 under 35 USC §112, second paragraph, has been overcome, and that the rejection should be withdrawn.

**§ 102 Rejections**

Claims 1, 2, 4, 7, 8, 10, 11, 13, 15, 32, and 33 are rejected under 35 USC § 102(b) as being anticipated by Artentzen et al., U.S. Pat. No. US 5,491,083. Applicants have amended claim 1 to include the allowable subject matter from dependent claim 5 thereby rendering this rejection moot. Accordingly, Applicants submit that independent claim 1 is now allowable over the cited art. Applicants further submit that claims 2, 4, 7, 8, 10, 11, 13, 15, 32, and 33 are also allowable over the cited prior art because they depend directly or indirectly from allowable claim 1. Accordingly, Applicants request that the rejection be withdrawn and claims 1, 2, 4, 7, 8, 10, 11, 13, 15, 32, and 33 be allowed.

**§ 103 Rejections**

Claim 3 is rejected under 35 USC § 103(a) as being unpatentable over Arentzen et al. (US 5,491,083) in view of Hagen et al. (5,071,610). As previously discussed, Applicants submit that claim 3 depends from an allowable base claim. Accordingly, Applicants request that the rejection be withdrawn and claim 3 allowed.

**Allowable Subject Matter**

Claims 5-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and

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any intervening claims. As previously stated, Applicants amended independent claim 1 to include the allowable subject matter in dependent claim 5. Because claim 6 depends directly from allowable base claim 1, Applicants submit that this objection has been overcome and should be withdrawn.

**Rejoinder**

Applicants thank the Examiner for acknowledgement of Applicants' previous request to rejoin the currently withdrawn claims upon indication of allowable subject matter and the reconsideration of the withdrawn claims upon indication of allowable subject matter.

Claims 14 and 16 have been amended to incorporate the features of allowable claim 1 in support of this rejoinder request submitted herewith. Claims 24, 27, and 30 have been amended as discussed above to overcome the 35 USC §112, first paragraph rejection. Applicants have used the combination status identifier of "withdrawn-currently amended" as authorized under 37 CFR 1.121. (See, e.g., 68 Fed. Reg. 38617, col. 3, first full paragraph.)

Applicants respectfully request rejoinder and allowance of claims 14 and 16-31.

In view of the foregoing, Applicants submit that the present application is in condition for allowance. Reconsideration and allowance of the pending claims at an early date is solicited. If issues remain, the Examiner is invited to contact the Applicants' attorney at the telephone number provided below.

Respectfully submitted,

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Date

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